

Comparing the Iranian Surrogacy Law and the Gestational Surrogacy Act of Illinois

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Abstract

Background: Gestational surrogacy is a recent revolutionary subject in assisted reproductive technology (ART) with profound effects on religious, legal, ethical and societal matters. Since enacting the law in this matter could efficiently handle challenges and prevent subjective inclinations, the authors of this study wished to suggest the adoption of a particular Iranian law on the subject, regarding the different legal systems worldwide.

Methods: In this article, effort has been made to conduct a comparison between the Gestational Surrogacy Law of Illinois, USA and some other similar resources with those of Iranian laws and regulations.

Results: Surrogacy laws in some countries like India and Australia have been drafted but only in the Illinois, USA it has been signed into law. Drawing a crude comparison between the limited existing laws and regulations on surrogacy reveals small structural differences but a bulk of similarities among them. Despite its novelty and regardless of any specific law, surrogacy practices have been made possible in Iran due to the utilization of common rules and observation of Fatwa issued by clerics in this regard.

Conclusion: Aside from religious rules, surrogacy laws meet a rational basis and they have been evolved to address societal needs and seem justifiable enough to be applicable for a general Iranian law preparation.

Keywords: Full surrogacy, Gestational surrogacy, Legitimacy of surrogacy, Surrogacy act, Surrogacy contract.

To cite this article: Asemani O, Emami M. Comparing the Iranian Surrogacy Law and the Gestational Surrogacy Act of Illinois. *J Reprod Infertil*. 2010;11(4):305-18.

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Received: Apr. 10, 2010

Accepted: Jul. 3, 2010